

Previous references.

File No. 27-13

1913/14
(Prison)

Serial Nos. 1-7

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

1-7

Part B. for

June 1914

SUBJECT.

Transfer of Chapperbawd from the State Jail to the Bijapur Jail, Bombay, for their release.

From the F. A. Report 18108 Jan. 13.

Requests to be furnished with the views of the District regarding with respect to the transfer of Chapperbawd, convict, from the State Jail to Bijapur Jail.

From the same Office 182 of 8.1.14

Draw the District attention to Appendix of C. S. B Circular No. 7. 14.4.03.

To the D. C. of Police 2031 of 22nd Jan. 14.

Requests to furnish with the circular referred

G. R. S. 58.

h. g. k. m. f.
30.9.14.

P.T.O.

states that his Office has not been able to trace the circular in question & that a copy of it may be obtained from the Residency.

To The F.A. Reest 632 of 18/2/14
Requests to be furnished with a copy of the circular

from The F.A. Reest S.O. No 1294 of 20/2/14
forwards the only available copy of the circular & requests for its early return

To The F.A. Reest 9701 of 1/6/14
Requests transfer of Chapporbandi prisoners confined. Mysore jail to the Bijapur jail.

GENERAL AND REVENUE SECRETARIAT.

(Prisons)

NOTES.

File No. 27-13

FILE HEADING.

Transfer of Chapparbands (professional thieves) prisoners from the State jails to the Bikaner Jail Bombay for their release under a scheme for the settlement of criminal tribes in the Bikaner State.

From

The G. A. Resident.

No. 181

Dated 8 Jan 13

Received 8/9-1-13

Diary No. 2108
8

Enclos. —

Spare Copies. —

Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that a scheme for the settlement of Chapparbands (professional thieves) released conditionally under Sec 401 Cr. P.C. after undergoing training in some useful art, having worked satisfactorily, the Govt of India would be glad to extend it to Native States and requests to be furnished with the views of the Durbar in the matter.

NOTES AND ORDERS.

- 2- D.O. no 182 dt 8th Jan 1914 from the same officer inviting the Durbar's attention to appendix D of C.S.B Circular no 7 dt 14-4-1903 forwarded with his office endorsement no 2165 dt 7 May 1903.
- Notes on the above D.O.

Serial
No.

"Confidential. Secretary-for-favour of necessary action". Dated M.V. 15-1-14

"For Mr (Intd.) K.R.S. 16/1 "Urgent" Dmm. 16/1

in the State jail
1) The proposal made is that prisoners of the "Chabharband" class (professional thieves) should be transferred to the Bijapur jail; they will be taught some useful trade there and when they attain sufficient proficiency, ^{they} will be released conditionally under Section 401 of the Code of Criminal Procedure and allowed to ply their trade in a settlement established by the Bombay Govt. in the Bijapur Dy. for criminals.

2) It is stated that this State need not pay more than ~~the~~ ^{the} actual cost of maintenance in the State jail, the other expenses including that incident to transfer being defrayed by the Bombay Govt. Transfers are to be effected under Sec 15 of the Prisoners Act, release ~~not~~ to be made only after consultation with this Govt. unless otherwise agreed upon at the time of transfer.

3) In his D.O. the F.A. Resident draws attention to certain circular forwarded to this Office in 1903. It has ^{not} been possible to trace the papers connected with it. It is

Serial
No.

Stated that a note is made in the "from" page of the period that the reference has been sent to the D.C. of Police. Draft D.O. is Subd. for approval should it be deem to call for the circular.

Subd for orders.

AS
19/1/14
(18)

19/1/14

4) Issue
J.M. 19/1

3

D.O. no. J 20318 of 22nd Jan 14 to Mr C. Sankaralingam requesting to be furnished with the circular referred to.

5) As no reply has yet been received, a reminder is proposed to be issued. Draft subd.

AS
29/1/14
Vll

29/1

6) Issue
J.M. 29/1

Reminder issued. no J 2112 of 29th Jan 14.

7) A draft D.O. furnishing some information is subd. as per personal instructions.

AS
31/1/14
Vll

8) Issue above as issued
J.M. 2/2

Draft issued to Mr. Sankaralingam Iyengar
no. J 2196 of 2.2.14.

Serial
No.

4

D.O. of 8-2-14 from Mr. Srikanthavara Singh

States that his office has not been able to trace the circular in question & that a copy of it may be obtained from the Residency.

9) Subd. with a draft D.O. to the
A. Resident.

B.G.
(27) 14-2-14. *W*

10) Issue (under Secy's signature)

for
19/2

5

TO Mr. P. B. Warburton. Do. no. Pol 632 D/18-2-14

Requests to be furnished with a copy of the circular.

6

From Mr. P. B. Warburton. D.O. no. 1294 D/20-2-14.

Forwards the only ^{available} copy of the circular and requests for its early return.

11) As regards the benefits now to the Mysore Govt. by the adoption of the proposal, attention is invited to para 2 of st. no. 1.

12) The I. G. of Prisons may perhaps be consulted in the matter.

B.G.
(27) 28-2-14. *W* 13) Subd. for orders.

14)

Dr. Sew
This may be done unofficially.

for
28/2
done
2/3
mt

General and Revenue
Secretariat.

Prisons File No. 27

of 1913-14

U.O. No

Serial
No.

J36-13.

Revised 2nd March 1914
with the Bengal
Jail Manual.

15) Forwarded unofficially to the
J. G. of Prisons in Mysore for favour of
opinion.

By Order

S. Rajagopal
For Secretary.

B.G.
(1) 23.14.
2/3/14
2/3/14

U. O. No. 1 of 14.
dated 3rd March/14.

This class of prisoners may, with
advantage, be transferred to the
Bijapur jail and released therefrom
under the conditions laid down
in Para 2 of letter No 181 dated 8th
January from the Asstt. Resident.

V. Arumugam

J. G. of Prisons
in Mysore.

3.3.1914.

M. H. H.
8/3
11/3

Pms File No. 27

of 1913-14.

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No.

17)

Subd for orders.

BP

4/3/14

MU

18)

Please put up draft early

JNL
4/3

19)

Subd. with a draft to the

F.A. Resident.

B.S.
(49) 16-3-14. MU

20)

Fair draft early

JNL
17/3

21)

Fair draft subd.

B.S.
(49) 17-3-14. MU

Dr. Sen)

JNL
18/3

22)

The proposal amounts to apply to all terms of imprisonment.

Is this expedient in the case of short terms? Next, is

Chappar band class found in Mysore & can it be

determined from the Census or other report? We should insist

that the rules of the Durbar should be obtained regarding

such ~~case~~ release.

23)

The Mr. Key will kindly put up a revised draft

with full information as desired. He may see me for a

discussion of the case if need be.

24)

The file may be kindly put up to me on

or before the 21st inst.

Date

19/3

P.T.O.

Serial
No.

7LV

7LX

7LR

except in the case
of prisoners whose
sentences are so
short as to terminate
within the period
required for trans-
mission to Bijapur

7LV

26) Subd. There is nothing in the
the Census Report, 1911, regarding Chapparbands.
Nor does the Prisons & Jails Report, 1912,
contain any statistics regarding
Chapparband prisoners.

27) From the C. S. B. circular
and the article on Chapparbands in
Thurston's 'Castles & Tribes of Southern India'
it seems that the Chapparbands have no
permanent abode in Mysore but come
here periodically to ply their trade.

28) The proposals made by the
Residency does not make any exception
in the case of short term prisoners. As
regards the expediency of transferring
such prisoners it may be noted that
the Durbar will not be any the worse
for such transfers as the charges for
transferring the prisoners ^{are} to be borne
by the Bombay Govt. The cost of their
maintenance ^{alone} being defrayed by the Durbar,
whether they be in the State jails or in
the Bijapur Jail.

29) The provision of the Prisoners
Act-1900 referred to in the Residency
letter no doubt ^{enables} ~~authorizes~~ the British
Govt. to receive the prisoners of Native

General and Revenue
Secretariat.

Prio

File No. 27

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No.

lies in their jails. But it does not
in to legalize the detention in British
India of the prisoners of Native States.
To legalize such detention it seems
necessary to issue an order under
section 541 of the Criminal Procedure
Code

1) There is not
necessity
JOM

B.G. 21.3.14. M(50) Subd. for order.

the file
to be sent on
21.3.14

Dr Ser)

JOM
23/3

3-) A 1/2 draft as revised may be put up.

Draught
23/3

B.G. 23.3.14 M(51) 33) Subd. with a tidy draft.

Dr Ser)

JOM
23/3
Draught
24/3Second
member)

34) Affirmed

26/3 well 26/3

8555
26.3.14

Draught)

Draught
26/3

85)

Please circulate to First Member and return
early with a note of submission.

4.4.14. AG

First member)

Draught
6/4
4/2

Serial
No.

26) S. 541 refers only to jails within the State. What authority have we to send prisoners to Br. India?

Incl.

[Signature]
9/4/14

The Bengal Code
& Thurston's Book
have not been
sent to
the
11/4

by 9/4
Prison 11/4
11/4

37) The authority is Section 15 (1) (c) of the Prisoners Act III of 1900 which authorises Officers in charge of Prisons "to give effect to any sentence passed by any Court in a Native State with the previous sanction of the local G.O."

38) This is referred to in para 1 of the paper under disposal I (i.e.) the Res^d letter of 8-1-14

39) Dr. Ser

The. Atty. Gen. will kindly see me about this

[Signature]
15/4
Dues. 16/4

40) Section 15 (1) (c) of the Prisoners Act

III of 1900 is an authority for detention of Mysore State prisoners in British India, for instance. So far as Mysore is concerned, S. 541, Cr. Pro. Code seems to be

Vol. III 76N
of the Unrepealed
Act put up.
not recd with the
file
15/5/14

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No.

the authority. The word "place" is not expressly restricted by the expression "within the State".

41) Besides, as there is no law against sending prisoners for detention as proposed and as the act of so sending them is not opposed to any natural right, the administrative power of Govt to confine prisoners in places selected by them can, if it is submitted, be properly exercised.

42) In this case, the sending of the prisoners as far as the limits of the Mysore State is lawful: ~~as in~~ British India is protected from Sec 15 of the Prisoners' Act. Thus the two stages for completing the transfer seem to be lawful.

First member

D. M. Narasimha
17/4

43. I am not convinced of the soundness of the argument. However there is some plausibility about it, and as such cases are likely to be very rare, the reply drafted may be sent.

3/5/14

44)

D.S.N. - III

Dine 5/5

5/5/14

General and Revenue
Secretariat.

File No. 27 of 1913-14.

Serial
No.

45)

Submitted with reference to paragraph 35 (Dewan's Note)
with a draft Submission Note.

- Durwari Singh

13/5

13/5

9595

13-5-14 46

(Dewan)

B
1-6-14

Submitted to His Highness.

47 This file relates to a proposal to transfer to the Bijapur Jail prisoners of the Chapparband class (a tribe of professional comers) who are now, or may hereafter be, confined in the Mysore Jails.

*Paper under
disposal I*

482. The First Assistant to the Hon'ble the Resident states that under a scheme sanctioned for the settlement of criminal tribes in the Bijapur District all Chapparbandi prisoners will be collected in one or two jails of the Bombay Presidency where they will be taught some useful trade and after the prisoners attain sufficient skill they will be released conditionally under section 401 of the Code of Criminal Procedure and allowed to ply their trade in the settlement established by the Bombay Government.

493. As the results of the scheme are reported to be extremely satisfactory, enquiry is now made whether the Mysore Government will participate in the scheme. It is stated that only the actual cost of maintaining the prisoners there need be contributed as the charges incidental to the transfer will be borne by the Bombay Government.

504. The Inspector General of Prisons is of opinion that prisoners of the Chapparband class may advantageously be transferred under the conditions stated above and the Second Member of Council is in favour of the proposal. The First Member considers that as the cases of the proposed transfers are likely to be rare the draft reply to the Residency may be issued. I also agree to

**
Page 5 of
the office
notes*

*Paper 8 & 10 of
the office notes*

the arrangement suggested.

Draft for
approval

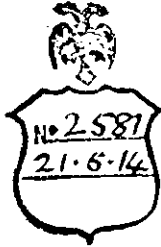
5/5. The draft reply to the Residency may be graciously approved by His Highness.

de γ_5 mioraza -

21st 7242 14 14 -

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.



5-2 Transfer of Chapparbandi prisoners
confined in the Mysore Jail to the Bijapur
jail.

Order.

no. 988

~~KRM~~

25/5/14

5-3 Santing

26.5.14

bb

28/5

52

Issue & Circulate to

Jm
18/5

General and Revenue
Secretariat.

Prison File No. 27

of 1913.

Serial
No.

7

To the F. A. Reest

Pl. 9701 1. 6. 14.

Requests the transfer of
Chapperband, prisoners, who
at present or may hereafter be
confined in the Mysore jail or
Central jail, to the Bijapur jail

11/1

8/1

FROM

Pro.
P. B.

Pol 26 1134 8.1.1914

P. B. WARBURTON, Esq., I. C. S.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

7 2108

To

The Dewan of Mysore.

13 114

SECTION Pro

27-13

Dated Bangalore, 8th January 1914

SIR, In October 1911, in connection with the scheme for the settlement of criminal tribes in the Bijapur -- District, a proposal was approved (a) that all -- Chhaparbands (a tribe of professional coiners), then undergoing sentences of imprisonment in the various prisons in British India, should be collected in one or two central prisons in the Bombay Presidency and there taught useful trades, with a view to enabling them to earn an honest livelihood after their release; and (b) that on their attaining sufficient proficiency they should be conditionally released, under orders to be passed under Section 401, Criminal Procedure Code, by the local government in whose jurisdiction they were convicted, to ply their trades in the settlement which the Government of Bombay had established at Bijapur. The results of the scheme have been extremely satisfactory, and the Government of India would be glad to extend its benefits to such Native States as may be disposed to -- avail themselves of the offer. I am accordingly to -- invite the views of the Durbar on the suggestion to --

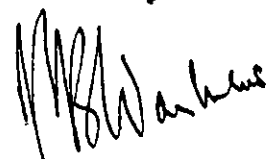
transfer to the Bijapur jail any Chhaparbandi prisoners who are at present confined in the Mysore State jail or may hereafter be convicted in the State. Should the proposal commend itself to the Durbar, such transfers could be effected, under Section 15 of the Prisoners Act 1900 (III of 1900), in direct communication with the Government of Bombay.

2. As regards the cost of maintenance of prisoners who would thus be transferred, I am to say that if the Durbar would contribute annually the actual sum which it would cost to maintain the same prisoners in the State jail, the Government of Bombay would be willing to defray all other expenses including the cost of conveyance of the prisoners. I am to point out that this arrangement would benefit the Durbar in two ways, viz. (1) the prisoners would be released in British territory instead of in Mysore at the end of their imprisonment a fact which would be important in case of relapses into criminality on the part of any of the prisoners, and (ii) the application of the scheme would probably render possible the curtailment of the periods of actual imprisonment of the convicts, and consequently of the cost of maintaining them, by their early conditional release. Orders for such release would in each case be taken from the Mysore Durbar, unless the Durbar would agree at the time of the transfer of the prisoners to authorise the Government of Bombay to pass such order on its behalf.

I have the honour to be,

Sir,

Your most obedient servant,



First Assistant Resident.



CONFIDENTIAL

URGENT.

D. O. No. 21042

THE MYSORE RESIDENCY,

Bangalore, 8th January 1914.

D. O. No. 182

My Dear Dewan Sahib

J 2165

Prio 27-13-

With reference to my official letter No. 181 dated the 8th January 1914, regarding the scheme for the settlement of Chapparbands, a tribe of professional joiners, I am desirous to invite the attention of the Durbar to Appendix D (and in particular to the last 2 lines on page 15) to C.S.B. Circular No. 7, dated the 14th April 1903, a copy of which was forwarded with the Residency endorsement No. 2165, dated the 7th May 1903.

70A

Confidential

Secretary

- On 8th Jan 1914

RB

Yours Sincerely

M. Visvesvaraya

B 111

16/11

M. Visvesvaraya, Esq., C.I.E.,

Dewan of Mysore.

MV

G. R. S. 26]

9/1

4
calling for certain matters
Prio

File No. 27-13

Serial No. 3

Diary No. of letter replied to -----

D.O. No. 22031

General and Revenue Secretariat

To

()
, the

191

Dear Sir,

Date of issue

22-1-13

Signed by

S. P. Rajagopalachari
Sgt

It is understood that a copy

of G. S. B. circular no. 7 of 14th

April 1903 was forwarded to you

on the 12th May 1903. I am desirous

to request you to kindly forward

the same to this office for

reference. The matter may be
treated as urgent

Yours sincerely

S. P. Rajagopalachari

P. Srikant Rao Secy. Genl.

B. G. B. E.

CC. of P. H. C.

over.

S. P. Rajagopalachari
19/1/14

(48)
19/1/14

SUBJECT.

all
27/1/14

file no 27-13
gl. no. 4

AP/4 to Res/7
work with the case
2467
Bangalore 8 Feb 1914

Dear Sir,

Ref: C. S. B. Co. No. 77
14 April 1903. I am sorry,
my office present-
hand is unable to
transit. a copy
may kindly be obtained
from the Presidency for
Ref.

Yr. Sving
S. K. Srinivasan

Diary No. of letter replied to _____

General and Revenue Secretariat

, the

191

Date of issue

18. 2. 1914.

Signed by

Mr. K. R. Srinivasan

To

Dear Sir,

May I request you to
be good enough to forward for
reference, a copy of C.S.B circular
no. 7 dated the 14. 11. April 1903
referred to in your ^{no 182} L.O. of the
8th ~~volume~~? Jan'y 1914

Yours Sincerely

To

P. B. Warburton Esq. I.C.S.

First Asst. to the Honble

The Resident in District
Bangalore

SUBJECT.

Confidential

D.O. No. 1294.

File no 27-13
Sl. no. 6

THE MYSORE RESIDENCY,

Bangalore, 20th February 1914.

Dear Mr. Srinivasiengar

J 2642

With reference to your D.O. letter No. 632, Pol.,
dated the 18th February 1914, I send herewith the only
copy we have of C.S.B. Circular No. 7, dated the 14th
April 1903. Will you please return it at your earliest
convenience.

Yours Sincerely
M.B. Wark

K.R. Srinivasiengar, Esq.,

Secretary to the Govt. of H.H. the

Maharaja of Mysore,

General & Revenue Departments.

29/5
R. S. 261

Transfer of Chapparband
prisoners to the Bijapur jail 8

File No. 17-1

Serial No. 7

at

Diary No. of letter replied to. —

Pol. No. 97 of 1914.

General and Revenue Secretariat

()
the 1914

To

The F.A. Resident

Sir,

Date of issue 1. 6. 1914

Signed by Mr. D. M. Kara
Singu Rao

With reference to your
letter no. 181 dated the 11th Jan
1914 explaining the advantage
of the scheme for the settlement
of criminal tribes in the
Bijapur dist. of the Bombay
Presidency and inviting the
views of the Durbar on the
suggestion to transfer all
Chapparband prisoners from
the State jails to the Bijapur
over.

SUBJECT.

1
jail I am directed to state as follows:-

The Durbar ^{Gladly} agree to the proposal to transfer to the Bijapur jail any Chapparbans prisoners who are at present confined or who may hereafter be confined in their jails, subject to the several conditions specified by you.

While transferring the prisoners to the Bijapur jail the Govt. of Bombay will be authorised to pass orders on behalf of the Durbar regarding the release of such prisoners.

The copy of the C.S.B. circular no. 7 dated the 14th April 1903 received from you is herewith returned with thanks.

I have to

J. M.

For Secretary.

List of enclosures.

one

W. K.

W. K.
26/3

H. K.

19.5.14
H. K.

26/3

Copied by

Examined by

H. K.

69.
1232.14. -